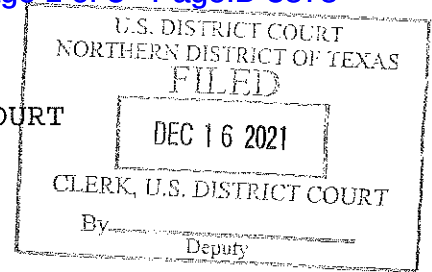


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



BEN E. KEITH, CO.,
D/B/A BEN E. KEITH FOODS,

Plaintiff,

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VS.

NO. 4:20-CV-133-A

DINING ALLIANCE, INC.,

Defendant.

ORDER

By order signed December 1, 2021, the court ordered that by December 15, 2021, each party file a document, supported by affidavit or declaration, establishing its citizenship for diversity purposes. The order cautioned that failure to comply therewith might result in the dismissal of any claims asserted by the party failing to make full disclosure.

The court has received and reviewed the filings made and finds that defendants, Dining Alliance, LLC, Buyers Edge Platform, LLC ("Buyers Edge"), and Consolidated Concepts, LLC, have failed to comply with the order. Although they state that some members of the limited liability companies are corporations, they fail to state the principal places of business of such corporations. In addition, they make the nonsensical representation that "[w]here the sole member of an

LLC is another LLC, citizenship is determined by the members of the parent LLC," incorrectly citing to George v. SI Group, Inc., 2021 WL 5095981, at *3 (5th Cir. Nov. 2, 2021). George simply recites the familiar rules that citizenship for an individual is synonymous with the person's domicile; for a corporation, it is the state of incorporation and state where it has its principal place of business; and, for an LLC, it is that of any state where its members are citizens. Id. at *1. And, George specifically points out that the citizenship of a limited partnership is based upon the citizenship of each of its partners. Id. at *2 (quoting Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077, 1079 (5th Cir. 2008)). Nevertheless, defendants' response to the court's order makes no mention of the citizenship of each of the partners in the limited partnership members of Buyers Edge.

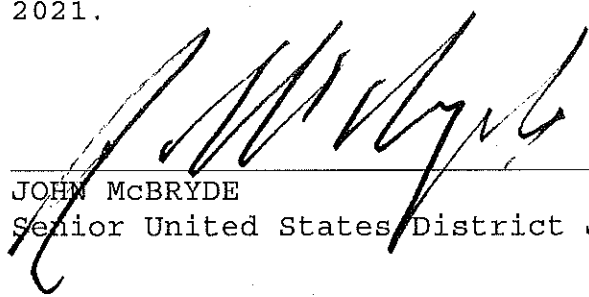
The curious wording of defendants' statement leads the court to question whether defendants have represented themselves to be citizens of other states at different times. Accordingly,

The court ORDERS that by December 23, 2021, defendants file an amended response to the court's December 1, 2021 order providing in a logical fashion all of the information required for the court to determine the citizenship of each of them.

The court further ORDERS that if defendants have previously made any representation that is different from or at variance with the representations made in their response as to their citizenship, they provide full information regarding each such representation including the date it was made, by whom it was made, to whom it was made, and for what purpose. If any such representation was made in another court proceeding, defendants shall identify the court and the case number in which such representation was made.

Failure to comply with this order in any respect may lead to the imposition of sanctions.

SIGNED December 16, 2021.



JOHN MCBRYDE
Senior United States District Judge